

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF:

JON DAVID HILLABRAND  
LEANN CAROL HILLABRAND

Debtors

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CASE NO. 05-14498

**DECISION AND ORDER**

At Fort Wayne, Indiana, on January 26, 2006.

The notices of motion and opportunity to object which debtors (hereinafter "Movant") served in connection with their motions to avoid the liens of the State of Indiana, Credit Adjustments, Inc., Knisely National Bank of Butler, Knisely National Bank, Medical and Dental Business Bureau, Likes and Kraus, and Business Revenue Systems do not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notices do not adequately "state the relief sought" by the motions. N.D. Ind. L.B.R. B-2002-2(c)(3). The notices do not identify the property subject to the liens.
- b. The notices of the motions have not been accompanied by a proper proof or certificate of service. The certificates of service accompanying the notices filed by the debtors do not show the date upon which service was made. See, N.D. Ind. L.B.R. B-9013-4(a,b); N.D. Ind. L.B.R. B-2002-2(c)(7). Consequently, the court cannot determine if the lienholders received proper notice of the motions and opportunity to object thereto. Furthermore, as it relates to the notice of motion to avoid the lien of the State of Indiana, the certificate of service accompanying the notices does not indicate that the State of Indiana was served with a copy of the notice as required by Fed. R. Bankr. P. Rule 7004 and Indiana Trial Rule 4.6.

Since creditors and parties in interest have not been given appropriate notice of the motions and the opportunity to object thereto, the court cannot grant them at this time. Movant shall prepare

and serve amended notices of the motions and opportunity to object which comply with N.D. Ind. L.B.R. B-2002-2 and file proof thereto within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the motions being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court